



Mitchell E. Daniels, Jr., Governor
James W. Payne, Director

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August 18, 2008

Ms. Jane A. Seigel
INDIANA JUDICIAL CENTER
30 S. Meridian St., Suite 900
Indianapolis, IN 46204

Dear Ms. Seigel:

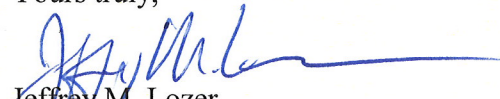
This is to confirm in writing this Department's representations of July 15, 2008, regarding how it will interpret and apply language regarding the development of case plans in IC 31-37-19-1.5. It is the position of the Indiana Department of Child Services (DCS) that the case plan requirement of IC 31-37-19-1.5 applies only with respect to a child who has been adjudicated as delinquent AND placed in an out-of-home residence or facility that is not a secure detention facility. Only when such an out-of-home placement is made do the requirements of 31-37-19-1.5 (b) activate, including the 60 day timeframe for completing a case plan. Therefore, DCS will not penalize any county as long as the case plan is filed within 60 days of first placement, regardless of the date of such disposition.

While DCS cannot guarantee that this interpretation will be followed by a court of law, we do believe that this interpretation is a fair and reasonable reading of the statute and that such a reading is consistent with the intent of HEA 1001 and its legislative history. DCS will uphold this reading of IC 31-37-19-1.5 and will seek any necessary legislative amendment to clarify this statutory intent. In the event that you have suggested language for such a legislative amendment, please forward it to my attention.

Further, there may be other requirements related to eligibility for federal funds which DCS will communicate at a later date.

Thank you for working with DCS to ensure that the sweeping changes brought forth by HEA 1001 are implemented in as smooth a fashion as possible -- so that we may all serve the best interests of children under the care and supervision of the state.

Yours truly,


Jeffrey M. Lozer
General Counsel

JML/pjb



Protecting our children, families and future